

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated April 22, 2005. Claims 1-5 and 8-10 are currently pending in this application. As indicated above, Claims 6 and 7 have been cancelled without prejudice. Additionally, replacement drawings for FIGs. 1-3 are enclosed herewith.

With regard to the amended FIG. 1, this figure has been amended to remove the characters A, B, 1, and 2, which were inside circles, to remove the normal release key, and to label the figure as (PRIOR ART).

With regard to the amended FIG. 2, this figure has been amended to label the figure as (PRIOR ART).

With regard to the amended FIG. 3, this figure has been amended to remove the characters B, 1, and 2, which were inside circles, to remove the normal release key, and to amended step 308 to read "RECEIPT OF TWELVE CONSECUTIVE BAD FRAMES".

In the Office Action, Claims 1-10 have now been rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicant's Admitted Prior Art (*AAPA*) in view of *Schroderus et. al* (WO 99/62283).

With regard to the rejection of independent Claims 1, 5, 8, and 10 the Examiner asserts that the *AAPA* teaches all the recitations of these claims, except for assigning to the mobile station a traffic channel by the searched base station using a physical channel used for data transmission, which the Examiner asserts is taught in *Schroderus*. However, it is respectfully submitted that the Examiner is incorrect.

Each of independent Claims 1, 5, 8, and 10 recites resuming the call on the traffic channel that is first available between one of a recovered traffic channel and the assigned

traffic channel. As indicated above, the Examiner asserts that this feature is taught in the *AAPA* (page 4, lines 10-11). However, the *AAPA* reads "[[t]]hen, the mobile station is assigned to a traffic channel by the new base station and recovers the dropped call in step 217." It is respectfully submitted that neither this section, nor any other section of the *AAPA* teaches resuming the call on *the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel*. That is, the *AAPA* makes no teaching of determining which of the channels is first available.

Further, the *AAPA* specifically recites the following on page 4, lines 16-19:

If the mobile station receives a signal of good quality from the old base station, it fails to perceive the successful receipt of the signal. This implies that despite probable resumption of the call with existing resources, repetition of the traffic channel assigning procedure delays the recovery of the dropped call.

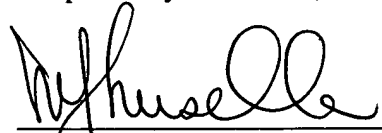
More specifically, the above cited section points out that the *AAPA* connects to the assigned traffic channel, regardless of whether the recovered traffic channel is available or not. Additionally, this deficiency is not cured by *Schroderus*. Therefore, it is respectfully submitted that Examiner is incorrect in rejecting independent Claims 1, 5, 8, and 10, as neither the *AAPA* or *Schroderus* teach resuming the call on the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel. Accordingly, it is respectfully requested that the rejection of Claims 1, 5, 8, and 10 be withdrawn.

With regard to the rejection of independent Claim 6, as indicated above, this claims has been cancelled without prejudice. Accordingly, it is respectfully submitted that the rejection of independent Claim 6 is moot.

Further, without conceding patentability per se of dependent Claims 2-4 and 9, it is respectfully submitted that the rejection of these claims should be withdrawn by virtue of their dependence upon independent Claims 1, 5, and 8, respectively.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-5 and 8-10 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", written over a horizontal line.

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